

**MINUTES OF A REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
AUGUST 21, 2013**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, August 21, 2013, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor Terry Seitz called the meeting to order at 7:00 p.m.

Roll Call.

Clerk-Treasurer Juanita S. Boehm called the roll.

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| Mayor Terry Seitz | Present |
| Council members: | |
| Gregory Schnarr | Present |
| David Prechtel | Present |
| Thomas Schmidt | Present |
| Earl Schmitt | Present |
| Kevin Manley | Present |
| Randall Buchta | Present |
| Raymond Howard | Present |
| City Attorney Renee Kabrick | Present |
| Clerk-Treasurer Juanita S. Boehm | Present |

Clerk-Treasurer Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. All seven council members were in attendance; therefore, there was a quorum for the meeting.

Pledge of Allegiance. Mayor Seitz invited all those present to join him in reciting the Pledge of Allegiance.

Approval of the Minutes.

The following minutes were distributed to and examined by the Council:

1. July 17, 2013 regular common council meeting

Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Gregory Schnarr to approve the minutes as presented. Motion carried 7-0.

JCAC. Jasper Community Arts Commission member Becky Hickman attended the meeting on behalf of the Board.

Boy Scout. Allen Hopf with Boy Scout Troop 182 was present. Hopf said he is working on the citizenship in the community badge.

Tax abatement request. Doug Woodard, President of Advanced Automation and Testing Inc, had a power point presentation of the application for personal property tax abatement for his business. Woodard said this business provides furniture testing services for furniture manufacturers. They will purchase about \$220,000.00 worth of testing equipment and IT/office equipment and will create three full time positions. They have signed a five-year lease on a building located at 755 E. 13th Street.

Resolution No. 2013-6 A RESOLUTION OF THE COMMON COUNCIL DESIGNATING A PORTION OF THE CITY OF JASPER, INDIANA, AS AN ECONOMIC REVITALIZATION AREA [Advanced Automation and Testing Inc]

This resolution declares Lots 4 and 5 in the George Kuebler Addition as an economic revitalization area.

A motion was made by Council member Kevin Manley and seconded by Council member Thomas Schmidt to consider the resolution for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member David Prechtel to read the resolution by title only. Motion carried 7-0. The city attorney so read the resolution. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to pass and adopt Resolution No. 2013-6. Motion carried 7-0.

Gas license application. Mayor Seitz said the council needs to consider the gas contractor's license application submitted by James Mitchell, Mitchell's Plumbing Inc, 15685 Leopold Rd, Mt. Pleasant, IN 47520. Mitchell scored a 94% on the test.

A **motion** was made by Council member Raymond Howard and seconded by Council member Randall Buchta to approve a gas license for James Mitchell with Mitchell's Plumbing Inc. Motion carried 7-0.

Utility Service Board. General Manager of Utilities Gerald 'Bud' Hauersperger gave a report on the regular monthly Utility Service Board meeting held on August 19, 2013. Copies of the minutes are supplied to each council member.

Changes to the design standards and specifications manual/Ordinance No. 2013-22. Mayor Seitz said the council needs to consider the City of Jasper's proposal concerning amendments to the Subdivision Control Ordinance that references the City of Jasper Design Standards and Specifications Manual. The options are to: [1]accept the proposal, [2]reject the proposal, [3]amend the proposal, or [4]not act on the proposal. A notice of intent to consider the proposal was faxed to the news media and posted at city hall.

City Engineer Chad Hurm then presented the amendments to the manual and to the drawings.

Thereafter, a **motion** was made by Council member Kevin Manley and seconded by Council member Thomas Schmidt to accept the proposal as certified by the Plan Commission to amend the text and thereby adopt Ordinance No. 2013-22. Motion carried 7-0. The changes will become effective September 1, 2013.

Council member David Prechtel asked Hurm how the contractors will be notified of these changes. Hurm said the City has a list of contractors we work with and those on the list will be given an updated manual. Council member Kevin Manley suggested highlighting the changes for the contractors.

Rezone/Ordinance No. 2013-23. Mayor Seitz said the council needs to consider the proposal from Steve and Marsha Stallings to rezone property located at 3694 Newton Street from B-1 (Business District) to R-2 (Residential). A notice of intent to consider this proposal was faxed to the news media and posted at city hall.

Steve Stallings, 3694 Newton Street, said in 2009 an adjacent property owner was rezoning his property from residential to business and suggested the Stallings do the same. Thus the property was rezoned to B-1. Stallings said he wants to refinance the property and in order to do so the bank needs the property reclassified to residential.

Council member Kevin Manley said the Plan Commission gave a favorably recommendation to rezone the property from B-1 to R-2.

Thereafter, a **motion** was made by Council member Gregory Schnarr and seconded by Council member David Prechtel to accept the proposal to rezone the property and adopt Ordinance No. 2013-23. Motion carried 7-0.

Ordinance No. 2013-24 AN ORDINANCE APPROPRIATING ADDITIONAL MONEY FOR THE CITY OF JASPER, INDIANA, FOR THE REMAINDER OF THE YEAR ENDING DECEMBER 31, 2013

This ordinance appropriates additional money for the year 2013 per the July budget work session.

A motion was made by Council member Randall Buchta and seconded by Council member Gregory Schnarr to read the ordinance by title only on first reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Raymond Howard and seconded by Council member Thomas Schmidt to approve the ordinance on first reading. Motion carried 7-0.

A notice to taxpayers will be published and second and final readings of the ordinance will be held at the September meeting.

Ordinance No. 2013-25 AN ORDINANCE APPROPRIATING MONEY FOR THE CITY OF JASPER, INDIANA, FOR THE YEAR 2014

This ordinance appropriates money for the 2014 budget.

A motion was made by Council member Gregory Schnarr and seconded by Council member Earl Schmitt to read the ordinance by title only on first reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Raymond Howard to approve the ordinance on first reading. Motion carried 7-0.

A pre-adoption budget public hearing will be held on Friday, September 6, 2013 at 8:00 a.m. Final adoption of the ordinance will be September 18, 2013.

Ordinance No. 2013-26 AN ORDINANCE LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE CITY OF JASPER, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014

This ordinance sets the advertised property tax rate for 2014 at .8536.

A motion was made by Council member Randall Buchta and seconded by Council member Earl Schmitt to read the ordinance by title only on first reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member Thomas Schmidt to approve the ordinance on first reading. Motion carried 7-0.

Second and final readings of the ordinance will be held at the September meeting.

Storm water user fee rate study. City Engineer Chad Hurm said the City has about \$2.5 million worth of storm sewer infrastructure that needs to be repaired or replaced plus there are some unfunded mandates passed down from EPA. The storm water department along with the street department compiled a list of storm sewer projects ranging from urgent, semi urgent, and low urgency. The Storm Water Management Board had HJ Umbaugh do a rate study. The current storm water user fee of \$2.00 per equivalent residential unit [ERU] was enacted in 2003. An ERU is assessed per every 5,000 square feet of impervious surface.

The rate study suggests a proposed rate of \$3.96 per ERU with no change to the square footage. This rate will allow the City to complete the list of projects in a seven-year time frame. Hurm said the Storm Water Management Board discussed reviewing the storm water rate about every 2-3 years.

Hurm said the Storm Water Management Board will conduct a public hearing on the proposed rate and that Board will then consider a resolution that makes a recommendation to the Council.

Dr. Norma Kreilein, et al vs. City of Jasper settlement demand letter. Bill Kaiser with Bingham Greenebaum Doll LLP said the July 24, 2013 settlement demand letter from the attorney for Dr. Norma Kreilein, et al was discussed at the August 19, 2013, Utility Service Board meeting. He distributed copies of a paper listing the five major settlement offers that require the City to do. [1] admit that it

violated the open door law; [2] pay all of Dr. Kreilein's and Healthy Dubois County's legal fees and expenses; [3] agree to abandon the conversion of the power plant to a biomass facility; [4] acknowledge that Jasper underestimated the potential health effects of the biomass project; [5] acknowledge that Dr. Kreilein and Healthy Dubois County were "neither untruthful in the process nor are they a detriment to the community."

Kaiser said after some discussion by the Utility Service Board it was determined they did not want to settle on the terms provided but to move forward to settlement with dismissal by both parties with prejudice and each party pay his own attorney fees. Kaiser then asked for a response from the Council. After some discussion, Kaiser distributed a draft copy of a letter dated August 21, 2013 from Gregory A. Neibarger with Bingham Greenebaum Doll LLP to Mr. Too Keller, the attorney for the plaintiffs. The letter contains a response to the plaintiffs' settlement demand letter plus the proposal for other settlement terms to end the pending litigation.

Thereafter, a **motion** was made by Council member Raymond Howard and seconded by Council member Randall Buchta to proceed with settlement terms per the August 21, 2013 draft letter. Motion carried 7-0.

Sale of land. Mayor Seitz said the Board of Public Works and Safety recommended selling four parcels of land namely Lechner property, the Bockelman property, 30th Street Park, and approximately 11 acres located along Truman Road. The Board also recommended selling a small piece of property located on the southeast corner of the 15th and Newton Street intersection. Seitz then said that due to the significant amount of project planning underway by the city as well as by the schools, he proposed postponing any discussion or decision on the matter unless someone just wanted to make comments.

City Attorney Renee Kabrick said the property at 15th and Newton Streets could be sold rather quickly. She gave the process that the City would have to follow for land that is valued at less than \$15,000. The property is less than .10 acre and one of the adjacent property owners has expressed interest in this particular piece of land.

Council member Gregory Schnarr asked how the City acquired this property. Kabrick said the land was purchased for right-of-way to widen the turn lane for northbound traffic on Newton Street that wanted to head east onto 15th Street.

Thereafter, a **motion** was made by Council member David Prechtel and seconded by Council member Gregory Schnarr to put the property at 15th and Newton Streets up for sale. Motion carried 7-0.

Council member Randall Buchta said the Jasper City Park and Recreation Board recommended not selling the Bockelman property at this time and he agreed that we should not sell this property until the City knows what it is going to do with the country club property that it recently purchased. Council member Kevin Manley asked Park Board President Roger Seger who was present if that Board

recommended holding off selling property until the City has plans for the former Country Club property. Seger responded in the affirmative.

Council member Randall Buchta then recommended the City look at selling the lot south of the Headquarters restaurant. The attorney was instructed to inquire about the value to determine the proper selling process.

Adjournment. There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member Randall Buchta to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:55 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 18th day of September, 2013.

Mayor Terry Seitz
Presiding Officer

Attest: _____
Juanita S. Boehm, Clerk-Treasurer